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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/997,375	11/30/2001	Felix Chow	004906.P031	3507
8791	7590	07/13/2005	EXAMINER	
BLAKELY SOKOLOFF TAYLOR & ZAFMAN 12400 WILSHIRE BOULEVARD SEVENTH FLOOR LOS ANGELES, CA 90025-1030			TRAN, THIEN D	
			ART UNIT	PAPER NUMBER
			2665	

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/997,375	CHOW ET AL.	
	Examiner	Art Unit	
	Thien D. Tran	2665	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13-17 and 36-40 is/are allowed.
- 6) ☒ Claim(s) 1-12, 18-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>08/16/2002</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3, 5-8, 10, 18, 19, 24-26, 29-31, are rejected under 35 U.S.C. 102(e) as being anticipated by Aubert et al (U.S Patent No. 6,388,992).

Regarding claims 1, 6, 7, 24, 29, 30 Aubert discloses a method comprising:

transmitting data frames over a data connection through an interface of an first Access Agent (first network element) data processing unit to an second Access Agent (second network element) data processing unit, figure 1;

receiving an signal caused by tokens less than S1 (interface disable signal), col.7 lines 35-40;

completing transmission of the packet in the current widow (data frames currently being transmitted), upon receiving an interface disable signal, col.7 lines 45-50;

disabling the interface, the disabling not causing data loss, col.7 lines 45-50;

receiving acknowledgements over the data connection, col.7 lines 47-50; and

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enabling the data connection after receiving a number of acknowledgements, col.7 lines 45-50.

Regarding claim 18, Aubert discloses an apparatus comprising:

a first Access Agent (first network element) data processing unit, the first network element data processing unit to send acknowledgements and to receive data frames, col.7 lines 40-55;

a second Access Agent (second network element) (second network element) data processing unit, the second network element data processing unit to send data frames and to receive acknowledgements, col.7 lines 40-55; and

a data connection coupled to the first and second network data processing units, the data connection to be disabled such that the first network element data processing unit can send acknowledgements, but the second network element data processing unit cannot send data frames, col.7 lines 40-55.

Regarding claims 2, 25, Aubert discloses the disabling prohibiting sending frames over the data connection, and the disabling allowing acknowledgements to be received over the data connection, col.7 lines 15-30.

Regarding claims 3, 8, 19, 26, 31 Aubert discloses a method for determining whether a number of expected acknowledgements have been received, col.2 lines 27, and col.7 lines 57. And that, if there are not enough number of acknowledgements received. a warning signal generated is inherent in the system of Aubert.

Regarding claims 5, 10, Aubert discloses the connection disable signal generated at the terminal equipment user, figure 2.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4, 9, 11, 12, 20-23, 27, 28, 32-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aubert et al (U.S Patent No. 6,388,992).

Regarding claims 4, 9, 20, 27, 32 Aubert does not disclose disable signal generated periodically. However, it would have been obvious to one having ordinary skill in the art to have the disable signal generated periodically so that the congestion can be controlled more effective.

Regarding claims 11, 12, 22, 23, 34, 35 Aubert does not specifically disclose a number of protocols used the data frame formats: ATM, IP, VoIP, PPP, MPLS, Ethernet. However, it would have been obvious to one having ordinary skill in the art to modify the data frame used in Aubert system to the frame formats of ATM, IP, VoIP, PPP, MPLS, Ethernet because they are just the design choices for adapting to use in different protocols.

Regarding claim 21, Aubert discloses the connection disable signal generated at the terminal equipment user, figure 2.

Regarding claims 28, 33, Aubert discloses the connection disable signal generated at the terminal equipment user, figure 2.

Allowable Subject Matter

5. Claims 13-17, 36-40 are allowed.

Conclusion


6. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Thien Tran whose telephone number is (571) 272-3156. The examiner can normally be reached on Monday-Friday from 8:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu, can be reached on (571) 272-3155. Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have any questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197.

Patent Examiner

Thien Tran



STEVEN NGUYEN
PRIMARY EXAMINER